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8 **BEFORE THE**
9 **STRUCTURAL PEST CONTROL BOARD**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2015-13

13 **YURI SYCHEV**
14 **1168 W. National Drive**
15 **Sacramento, CA 95834**

DEFAULT DECISION AND ORDER

16 **Field Representative's License No. FR 40803**
17 **Respondent.**

[Gov. Code, §11520]

18 **FINDINGS OF FACT**

19 1. On or about October 9, 2014, Complainant Susan Saylor, in her official capacity as
20 the Registrar/Executive Officer of the Structural Pest Control Board, filed Accusation No. 2015-
21 13 against Yuri Sychev (Respondent) before the Structural Pest Control Board, Department of
22 Consumer Affairs. (Accusation attached as Exhibit A.)

23 2. On or about September 27, 2006, the Structural Pest Control Board ("Board"), issued
24 Field Representative's License No. FR 40803 to Respondent. The Field Representative's License
25 was in full force and effect at all times relevant to the charges brought in Accusation No. 2015-13
26 and will expire on June 30, 2015, unless renewed.

27 3. On or about October 20, 2014, Respondent was served by Certified and First Class
28 Mail copies of the Accusation No. 2015-13, Statement to Respondent, Notice of Defense, Request

1 for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and
2 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code
3 section 136, is required to be reported and maintained with the Structural Pest Control Board.

4 Respondent's address of record was and is:

5 1168 National Drive, Suite 70
6 Sacramento CA 95834.

7 Respondent was also served at another known address which was:

8 250 Touchstone Place #59
9 West Sacramento, CA 95691

10 4. Service of the Accusation was effective as a matter of law under the provisions of
11 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
12 124.

13 5. On or about October 29, 2014, the aforementioned documents sent to 1168 National
14 Drive were returned by the U.S. Postal Service marked "undeliverable as addressed ." The
15 address on the documents was the same as the address on file with the Board. Respondent failed
16 to maintain an updated address with the Board and the Board has made attempts to serve the
17 Respondent at the address on file. The documents sent to 250 Touchstone Place #59, West
18 Sacramento were returned marked "unclaimed". Respondent has not made himself available for
19 service and therefore, has not availed himself of his right to file a notice of defense and appear at
20 hearing.

21 6. Government Code section 11506 states, in pertinent part:

22 (c) The respondent shall be entitled to a hearing on the merits if the respondent
23 files a notice of defense, and the notice shall be deemed a specific denial of all parts
24 of the accusation not expressly admitted. Failure to file a notice of defense shall
constitute a waiver of respondent's right to a hearing, but the agency in its discretion
may nevertheless grant a hearing.

25 7. Respondent failed to file a Notice of Defense within 15 days after service upon him
26 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.
27 2015-13.
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8. California Government Code section 11520 states, in pertinent part:

(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent.

9. Pursuant to its authority under Government Code section 11520, the Structural Pest Control Board finds Respondent is in default. The Structural Pest Control Board will take action without further hearing and, based on the relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as taking official notice of all the investigatory reports, exhibits and statements contained therein on file at the Board offices regarding the allegations contained in Accusation No. 2015-13, finds that the charges and allegations in Accusation No. 2015-13, are separately and severally, found to be true and correct by clear and convincing evidence.

10. Taking official notice of its own internal records, pursuant to Business and Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation and Enforcement is \$545.00 as of June 24, 2015.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Yuri Sychev has subjected his Field Representative's License No. FR 40803 to discipline.

2. The agency has jurisdiction to adjudicate this case by default.

3. The Structural Pest Control Board is authorized to revoke Respondent's Field Representative's License based upon the following violations alleged in the Accusation which are supported by the evidence contained in the Default Decision Evidence Packet in this case:

a. Respondent is subject to disciplinary action pursuant to Code section 8641 in that Respondent failed to comply with Regulation 1950 by failing to verify that he completed courses of continuing education in pest control approved by the Board. Specifically, Respondent failed to submit copies of his continuing education certificates for the renewal period of July 1, 2009, through June 30, 2012, as requested by the Board's representative.


ORDER

IT IS SO ORDERED that Field Representative's License No. FR 40803, heretofore issued to Respondent Yuri Sychev, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on October 3, 2015.

It is so ORDERED September 3, 2015


FOR THE STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF CONSUMER AFFAIRS

DOJ Matter ID:SA2014117813

Attachment:
Exhibit A: Accusation